

**IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA**

MIDCON DATA SERVICES, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-20-674-PRW
	)	
OVINTIV USA, INC. f/k/a	)	
ENCANA OIL & GAS (USA), INC.;	)	
OVINTIV MID-CONTINENT INC. f/k/a	)	
NEWFIELD EXPLORATION	)	
MID-CONTINENT INC.,	)	
Defendants	)	

**DEFENDANT OVINTIV USA INC.'S  
MOTION FOR PARTIAL WITHDRAWAL  
OF ITS MOTION TO DISMISS**

Defendant Ovintiv USA Inc., individually, and as successor by merger to Defendant Ovintiv Mid-Continent Inc., submits the following Motion for Partial Withdrawal of portions of its pending Motion to Dismiss. [Doc. No. 30, p. 6-10].

As described in the Second Supplemental Corporate Disclosure filed contemporaneously with this Motion, effective July 1, 2021, Ovintiv Mid-Continent Inc. merged into Ovintiv USA Inc. [Doc. No. 34]. Though Ovintiv Mid-Continent Inc. and Ovintiv USA Inc. were separate entities at the time the Motion to Dismiss was filed, Ovintiv USA Inc. is now the sole surviving entity.

Defendants moved to dismiss Plaintiff's breach of contract claim as to Ovintiv USA because Ovintiv USA was not a party to the contracts at issue in this case, and Plaintiff's misappropriation of trade secrets claim as to Ovintiv USA because Ovintiv USA did not

have access to the data at issue. [Doc. No. 30, p. 6-10]. Those arguments are rendered moot by the merger described above.

Accordingly, Defendant hereby withdraws Sections I and II of its Motion to Dismiss. [Doc. No. 30, p. 6-10]. However, as described in Section III of the Motion to Dismiss, Plaintiff's claim for destruction of a bailment should be dismissed for the numerous reasons outlined therein. [Doc. No. 30, p. 10-15].

Respectfully submitted,

/s/ Timothy J. Bomhoff

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**ATTORNEYS FOR DEFENDANT OVINTIV USA INC. F/K/A ENCANA OIL & GAS (USA) INC., FOR ITSELF AND AS SUCCESSOR-BY-MERGER TO OVINTIV MID-CONTINENT INC. F/K/A NEWFIELD EXPLORATION MID-CONTINENT INC.**

**CERTIFICATE OF SERVICE**

This certifies that on August 19, 2021, I electronically filed the attached document with the Clerk of Court using the CM/ECF system for electronic filing. A Notice of Electronic Filing will be automatically transmitted to the following CM/ECF registrants currently on file.

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**ATTORNEYS FOR PLAINTIFF**

*s/ Timothy J. Bomhoff*  
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Timothy J. Bomhoff